

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOSE GALLIMORT,

Case No. 2:21-cv-01583-GMN-EJY

Petitioner,

v.

**ORDER**

STATE OF NEVADA, et al.,

Respondents.

This habeas matter is before the Court on Petitioner Jose Gallimort's failure to comply with the Court's Order (ECF No. 3).


Petitioner initiated this case by submitting a Petition for Writ of Habeas Corpus (ECF No. 1-1) in August 2021, but he did not pay the five dollar (\$5.00) habeas filing fee or file the correct application to proceed *in forma pauperis* ("IFP") for non-incarcerated litigants. *See* 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. On October 8, 2021, the Court ordered Petitioner to either pay the \$5 filing fee or submit the correct IFP application with all required attachments within 30 days. (ECF No. 3.) Petitioner was warned that a failure to comply by (a) submitting a complete IFP application, or (b) paying the filing fee would result in the dismissal of this action without prejudice and without further advance notice. (*Id.*) The 30-day deadline expired last month. To date, Petitioner has not filed a completed IFP application, paid the \$5 filing fee, requested an extension of time, or taken any other action to prosecute this case.

**IT IS THEREFORE ORDERED:**

1. Petitioner Jose Gallimort's Petition for Writ of Habeas Corpus (ECF No. 1-1) is DISMISSED WITHOUT PREJUDICE based his on failure to comply with the Court's Order (ECF No. 3) or the Local Rules of Practice.
2. Petitioner is denied a certificate of appealability, as jurists of reason would not find dismissal of the petition for the reasons stated herein to be debatable or wrong.
3. The Clerk of Court is instructed to add Nevada Attorney General Aaron D. Ford as

- 1 counsel for Respondents. No response is required from Respondents other than to  
2 respond to any orders of a reviewing court.
- 3 4. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk of Court will  
4 file the Petition (ECF No. 1-1) and informally serve the Nevada Attorney General with  
5 the petition and this order by sending a notice of electronic filing to the Nevada  
6 Attorney General's office.
- 7 5. The Clerk of Court is instructed to enter final judgment accordingly and close this case.

8 DATED: December 16, 2021

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11 GLORIA M. NAVARRO  
12 UNITED STATES DISTRICT JUDGE  
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